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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 RAYMOND PADILLA,

9 *Plaintiff,*

10 vs.

11 STATE OF NEVADA, *et al.,*

12 *Defendants.*  
13

2:09-cv-01636-RLH-PAL

ORDER

14 This prisoner civil rights action comes before the Court for initial review under 28  
15 U.S.C. § 1915A as well as on plaintiff's motion (#3) for a temporary restraining order and  
16 motion (#4) for a preliminary injunction.

17 ***Screening***

18 Local Rule LSR 2-1 requires that a *pro se* civil rights complaint must be filed on the  
19 Court's required form. In this case, plaintiff did not use the required form for all parts of his  
20 complaint. He did not use the portion of the required form for listing the defendants. He  
21 instead bunched forty-eight defendants into a single handwritten paragraph. Plaintiff further  
22 did not use the required form for the statement of jurisdiction, the nature of the case, and the  
23 first and last two counts of the complaint. Plaintiff may not selectively use only portions of the  
24 form in filing a complaint.

25 The Court will give plaintiff an opportunity to file an amended complaint that uses the  
26 complete required form in compliance with Local Rule LSR 2-1. In filing an amended  
27 complaint, plaintiff further must comply with the margin requirements of Local Rule LR 10-1,  
28 which requires that he leave a 1-1/2" margin at the top of each page after the first page.

1 Plaintiff further should note that if he does not leave adequate margins on the sides and  
2 bottom of his pages, material will be not be picked up when the pleading is scanned. Plaintiff  
3 will be able to see this inability to scan on the copy of the complaint returned with this order.

4 ***Motions for Temporary and Preliminary Injunctive Relief***

5 In the motion (#3) for a temporary restraining order and motion (#4) for a preliminary  
6 injunction, plaintiff seeks temporary and preliminary injunctive relief directing the “N.D.O.C.,  
7 its administrators and agents”: (a) to lift his copy credit limit for legal copies; (b) to allow him  
8 access to all legal materials necessary to litigate his case, including access to copying of  
9 prison operational procedures, administrative regulations, state statutes, and “American  
10 Corrections Administrative Codes;” and (c) to either immediately release plaintiff from  
11 administrative segregation or transfer him to an institution where he may gain access to  
12 liberties allegedly provided by various administrative regulations.

13 The motion will be denied.

14 First, plaintiff has failed to provide the verification and certification required under Rule  
15 65(b)(1) of the Federal Rules of Civil Procedure for issuance of a temporary restraining order  
16 without both notice to the adverse party and an opportunity to be heard.

17 Second, on the showing made, plaintiff has demonstrated neither irreparable injury nor  
18 a substantial likelihood of success on the merits. The right protected under the First  
19 Amendment is a right to access to the courts, not a right to a particular legal resource or  
20 resources. *See Lewis v. Casey*, 518 U.S. 343, 350-51, 116 S.Ct. 2174, 2179-80, 135 L.Ed.2d  
21 606 (1996). Accordingly, alleging only a denial of access to a particular legal resource,  
22 without more, does not present a viable First Amendment claim, whether for injunctive relief  
23 or otherwise. Rather, in order to present a plausible First Amendment claim in this context,  
24 the plaintiff must present factual allegations that would show actual injury to his ability to  
25 present a claim to the courts. 518 U.S. at 351-52, 116 S.Ct. at 2180. Plaintiff has not done  
26 so. He has failed to show either irreparable injury or a substantial likelihood of success either  
27 as to his claims regarding legal resources or his claims regarding placement in administrative  
28 segregation.

1 IT THEREFORE IS ORDERED that the Clerk of Court shall file the complaint but shall  
2 withhold service at this time.

3 IT FURTHER IS ORDERED that plaintiff shall have thirty (30) days to file an amended  
4 complaint correcting the deficiencies identified in this order.

5 IT FURTHER IS ORDERED that, on any such amended complaint filed, plaintiff shall  
6 clearly title the amended complaint as an amended complaint by placing the word  
7 "AMENDED" immediately above "Civil Rights Complaint" on page 1 in the caption and shall  
8 place the docket number, 2:09-cv-01636-RLH-PAL, above the word "AMENDED" in the space  
9 for "Case No." Under Local Rule LR 15-1 any amended complaint filed must be complete in  
10 itself without reference to prior filings. Thus, any allegations, parties, or requests for relief  
11 from prior papers that are not carried forward in the amended complaint no longer will be  
12 before the Court.

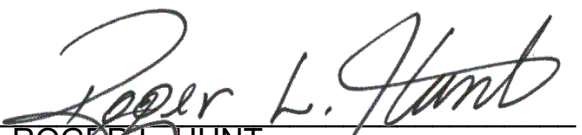
13 IT FURTHER IS ORDERED that plaintiff's motion (#3) for a temporary restraining order  
14 and his motion (#4) for a preliminary injunction both are DENIED.

15 The Clerk of Court shall provide plaintiff with a copy of the complaint together with five  
16 (5) copies of a Section 1983 complaint form and one copy of the instructions for same. The  
17 Court is providing this number of copies due to the number of counts in the original complaint  
18 and plaintiff's assertion that he has exceeded his copy credit limit.

19 If an amended complaint is filed in response to this order, the Court will screen the  
20 amended pleading before ordering any further action in this case.<sup>1</sup>

21 If plaintiff does not timely mail an amended complaint to the Clerk for filing that fully  
22 complies with this order, this action will be dismissed without further advance notice.

23 DATED: July 12, 2010.

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26   
27 ROGER L. HUNT  
28 Chief United States District Judge

<sup>1</sup> Nothing in this order holds or implies that the original complaint otherwise is free of deficiencies.